

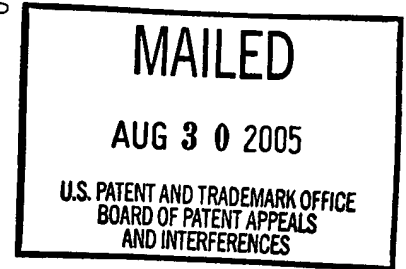
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAUSHAL KURAPATI
and JACQUELYN ANNETTE MARTINO

Application No. 09/408,794



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On June 18, 2003, an Examiner's Answer (hereinafter Examiner's Answer) was mailed. A review of the Examiner's Answer reveals that the required heading "Real Party in

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Interest" is missing. See Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), p. 1200-18-19.

Additionally, under the heading "Prior Art of Record" (pg. 2-3), it lists the references relied on in the Examiner's Answer as being:

GERZBERG ET AL	6,044,403	MAR. 2000
HERZ	6,029,195	FEB. 2000
KRISHNAN	6,366,956	APR. 2002
GERSHMAN ET AL	6,356,905	MAR. 2002

However, the above references do not appear to be relied upon in the Examiner's Answer to sustain the rejection of the claims. The only the prior art actually relied upon to reject the claims is the Rapaport reference (Patent No. 5,890,152), which was cited to reject the claims; but was not identified as a reference of record. Clarification of the cited references is required.

ORDERED

Accordingly, it is

ORDERED that the application is returned to the examiner to:

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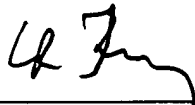
1) revise the Examiner's Answer dated June 18, 2003, to include all appropriate headings, specifically, the missing heading: "Real Party in Interest,"

2) correct the "Prior Art of Record," to exclude the currently cited references to GERZBERG et al.(6,044,403), HERZ(6,029,195), KRISHNAN (6,366,956) and GERSHMAN et al.(6,356,905) and list the RAPAPORT (5,890,152), which was the actual reference relied on to reject the claims; and

3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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